

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WENDY S. NEWELL, M.D.,	§	
	§	No. 77, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
AURORA A. HAUF,	§	
	§	
Plaintiff Below,	§	C.A. No. N09C-12-061
Appellee.	§	

Submitted: February 19, 2010

Decided: February 23, 2010

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 23<sup>rd</sup> day of February 2010, it appears to the Court that:

(1) Defendant/appellant, Wendy S. Newell, M.D. (“Newell”), has petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to appeal from the Superior Court’s February 1, 2010 oral denial, after briefing and argument, of Newell’s motion for summary judgment. It appears that Newell’s motion for summary judgment sought to dismiss the plaintiff/appellee’s medical negligence complaint on the basis that the complaint is barred by the statute of limitations.<sup>1</sup> By order dated February

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<sup>1</sup> It does not appear that a transcript of the Superior Court’s February 1, 2010 hearing and ruling was prepared for the purpose of this petition for interlocutory review.

18, 2010, the Superior Court denied Newell's application for certification of the interlocutory appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. The Court has considered the issue on appeal (as presented in the application for certification, the response, and the Superior Court's February 18 denial) according to the criteria set forth in Rule 42. We have concluded that exceptional circumstances as would merit review of the interlocutory order do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice